

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO. _____
v.	:	DATE FILED: _____
CANDIDO RODRIGUEZ	:	VIOLATIONS:
BRIAN LEATHERBURY	:	18 U.S.C. § 1951 (conspiracy to interfere
	:	with interstate commerce by robbery - 1
	:	count)
	:	18 U.S.C. § 1951 (interference with
	:	interstate commerce by robbery - 1 count)
	:	18 U.S.C. § 924(c)(1) (carrying and using
	:	a firearm during a crime of violence - 1
	:	count)
	:	18 U.S.C. § 922(g)(1)(felon in possession
	:	of a firearm)
	:	18 U.S.C. § 2 (aiding and abetting)
		Notice of forfeiture

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

1. At all times material to this indictment, L'Amour Nails, 7055 Frankford Avenue, Philadelphia, Pennsylvania, was a business engaged in interstate commerce.
2. On or about December 5, 2008, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendants

**CANDIDO RODRIGUEZ and
BRIAN LEATHERBURY**

conspired and agreed together to obstruct, delay and affect commerce and the movement of articles and commodities in commerce, by robbery, in that the defendants RODRIGUEZ and LEATHERBURY agreed to unlawfully take and obtain currency from a business engaged in interstate commerce, in the presence of employees of that business, against their will, by means of actual and threatened force, violence, and fear of injury, immediate and future, to their person and property in their control, all in violation of Title 18, United States Code, Section 1951(a), (b)(1), and (b)(3).

MANNER AND MEANS

3. It was part of the conspiracy to rob L'Amour Nails by use of force, threats of force and violence, and through the use of a handgun.

OVERT ACTS

In furtherance of the conspiracy, defendants CANDIDO RODRIGUEZ and BRIAN LEATHERBURY committed the following overt acts, among others, on or about December 5, 2008, in Philadelphia, in the Eastern District of Pennsylvania:

1. Defendants CANDIDO RODRIGUEZ and BRIAN LEATHERBURY entered the L'Amour Nails Store, located at 7055 Frankford Avenue, Philadelphia, PA, pointed a handgun at the owner and patrons, and demanded money.

2. While defendant CANDIDO RODRIGUEZ stood by the door of the store and prevented anyone from fleeing, defendant BRIAN LEATHERBURY pushed two women to the floor and hit another person with a table.

3. Defendants CANDIDO RODRIGUEZ and BRIAN LEATHERBURY fled from the store after stealing \$304.

All in violation of Title 18, United States Code, Section 1951(a), (b)(1), and (b)(3).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraph 1 of Count One of this indictment is incorporated here.
2. On or about December 5, 2008, in the Eastern District of Pennsylvania,

defendants

**CANDIDO RODRIGUEZ and
BRIAN LEATHERBURY**

obstructed, delayed and affected commerce and the movement of articles and commodities in commerce, by robbery, in that defendants RODRIGUEZ and LEATHERBURY unlawfully took and obtained, and aided and abetted the unlawful taking and obtaining of personal property, that is, United States currency valued at approximately \$304, belonging to L'Amour Nails, from employees, against their will, by means of actual and threatened force, violence, and fear of injury, immediate and future, to their person and property, that is, by pointing a handgun at the employees.

In violation of Title 18, United States Code, Sections 1951(a), (b)(1), (b)(3), and 2(a).

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about December 5, 2008, in the Eastern District of Pennsylvania,
defendants

**CANDIDO RODRIGUEZ and
BRIAN LEATHERBURY**

knowingly used and carried, and aided and abetted the use and carrying of, a firearm, that is, a silver Bryco .380 pistol bearing serial number 1020897, during and in relation to a crime of violence for which defendants RODRIGUEZ and LEATHERBURY may be prosecuted in a court of the United States, that is, conspiracy to interfere with interstate commerce by robbery, and the interference with interstate commerce by robbery, of L'Amour Nails.

In violation of Title 18, United States Code, Sections 924(c)(1) and 2(a).

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about December 5, 2008, in the Eastern District of Pennsylvania,
defendant

CANDIDO RODRIGUEZ

having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate commerce a firearm, that is, a silver Bryco .380 pistol bearing serial number 1020897.

In violation of Title 18, United States Code, Section 922(g)(1).

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

As a result of the violation of Title 18, United States Code, Section 924(c)(1), set forth in this indictment, defendants

**CANDIDO RODRIGUEZ and
BRIAN LEATHERBURY**

shall forfeit to the United States of America all firearms and ammunition involved in the commission of such offense(s), including, but not limited to:

a silver Bryco .380 pistol bearing serial number 1020897

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 924(d).

A TRUE BILL:

GRAND JURY FOREPERSON

**LAURIE MAGID
United States Attorney**